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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Jo Ann Bowman,

Plaintiff,

vs.

Marshalls of MA, Inc.; DOE Employees I through X, DOES I through X, and ROE Corporations I through X, inclusive.

### Defendants.

Case No.: 2:20-cv-1437

## **Marshalls of MA, Inc's Jury Demand and Answer to Complaint**

Marshalls of MA, Inc. request a jury trial per Rule 38 and answers the complaint as follows.

1. Admit.
2. Admit.
3. Marshalls of MA, Inc. lacks information sufficient to determine the accuracy of the allegations contained in this paragraph, so it denies them.
4. Marshalls of MA, Inc. lacks information sufficient to determine the accuracy of the allegations contained in this paragraph, so it denies them.
5. Marshalls of MA, Inc. lacks information sufficient to determine the accuracy of the allegations contained in this paragraph, so it denies them.
6. Marshalls admits that Plaintiff was in its store on August 11, 2018 and reports that she fell. It denies the remaining allegations in this paragraph.
7. Deny.

## 8. Deny.

### 9. Deny.

## 10. Deny.

## 11. Deny.

## 12. Deny.

### 13. Deny.

## 14. Deny.

## Affirmative Defenses

1. Plaintiff was comparatively negligent.
2. Plaintiff did not mitigate damages.
3. The event described in the complaint was an intervening, superseding cause.
4. The event described in the complaint was the result of a third-party's sole negligence.
5. The hazard alleged in the amended complaint was open and obvious.

# **Prayer for Relief**

Defendant requests this matter be dismissed with prejudice.

DATED this 4<sup>th</sup> day of August, 2020.



BY: /s/ Michael Lowry  
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### Certificate of Service

Pursuant to Rule 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on August 4, 2020, I served **Marshalls of MA, Inc's Jury Demand and Answer to Complaint** as follows:

- by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Leon R. Symanski, Esq.  
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501 S. 8<sup>th</sup> Street  
Las Vegas, NV 89101  
Attorneys for Plaintiff

BY: /s/ Michael Lowry  
An Employee of

